

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

BSG RESOURCES (GUINEA) LIMITED, BSG
RESOURCES (GUINEA) SARL, and BSG
RESOURCES LIMITED,

Plaintiffs,

v.

GEORGE SOROS, OPEN SOCIETY FOUNDATIONS,
OPEN SOCIETY INSTITUTE, FOUNDATION TO
PROMOTE OPEN SOCIETY, OPEN SOCIETY
FOUNDATION, INC., ALLIANCE FOR OPEN
SOCIETY INTERNATIONAL INC., OPEN SOCIETY
POLICY CENTER, and OPEN SOCIETY FUND,

Defendants.

No. 1:17-cv-02726 (JFK) (AJP)

**DECLARATION OF JAMES FITZMAURICE
IN SUPPORT OF DEFENDANTS' OBJECTION TO MAGISTRATE JUDGE'S ORDER**

I, JAMES FITZMAURICE, pursuant to 28 U.S.C. § 1746, declare as follows:

1. I am a member of the bar of this Court and associated with the law firm of Willkie Farr & Gallagher LLP, counsel for George Soros, Open Society Foundations ("OSF"), Open Society Institute, Foundation to Promote Open Society, Open Society Foundation, Inc., Alliance for Open Society International, Inc., Open Society Policy Center, and Open Society Fund (collectively "Defendants"). I submit this declaration in support of Defendants' Objection to Magistrate Judge's Order, dated September 7, 2017.

2. Attached hereto as Exhibit 1 is Defendants' proposed confidentiality order, dated September 7, 2017.

3. Attached hereto as Exhibit 2 is a true and correct copy of a news article by Ian Cobain, published by The Guardian, dated Aug. 14, 2017, titled *Diamond Tycoon Beny Steinmetz Detained in Fraud Inquiry*.

4. Attached hereto as Exhibit 3 is a true and correct copy of a news article by Eli Senyor, published by YNetNews, dated Aug. 23, 2017, titled *Billionaire Steinmetz Suspected of 6-Million Euro Bribery Cache*.

5. Attached hereto as Exhibit 4 is a true and correct copy of a news article by Udi Shaham, published by The Jerusalem Post, dated Aug. 14, 2017, titled *Israeli Billionaire Arrested in International Money Laundering Probe*.

6. Attached hereto as Exhibit 5 is a true and correct copy of the Plea Agreement in *United States v. Cilins*, No. 1:13-cr-00315 (WHP) (S.D.N.Y. Mar. 7, 2014).

7. Attached hereto as Exhibit 6 is a true and correct copy of the Judgment in *United States v. Thiam*, No. 1:17-cr-00047 (S.D.N.Y. Aug. 28, 2017).

8. Attached hereto as Exhibit 7 is a true and correct copy of Procedural Order No. 11 in ICSID Case No. ARB/14/22, dated June 7, 2017.

9. Attached hereto as Exhibit 8 is a true and correct copy of Plaintiffs' First Requests for Production of Documents to Defendant OSF, dated July 11, 2007.

10. Attached hereto as Exhibit 9 is a true and correct copy of Plaintiffs' and Defendants' joint letter to Magistrate Judge Peck concerning a confidentiality order in this case, dated Aug. 23, 2017.

11. Attached hereto as Exhibit 10 is a true and correct copy of email correspondence between Elizabeth J. Bower and Michael Lazaroff, dated August 23, 2017.

12. Attached hereto as Exhibit 11 is a true and correct copy of the transcript of the conference before Magistrate Judge Peck, at which time he entered the confidentiality order proposed by Plaintiffs, dated Aug. 24, 2017.

13. Attached hereto as Exhibit 12 is a true and correct copy of a news article by Tom Burgis, published by The Financial Times, dated Feb. 10, 2015, titled *U.S. Deports Man Linked to BSGR Probe*.

14. Attached hereto as Exhibit 13 is a true and correct copy of a news article by Patrick Radden Keefe, published by The New Yorker, dated July 8, 2013, titled *Buried Secrets*.

15. Attached hereto as Exhibit 14 is a true and correct copy of a comparison of Defendants' proposed confidentiality order against the Order as entered by Judge Peck.

16. I declare under penalty of perjury that the foregoing is true and correct.

Dated: September 7, 2017
New York, New York


James Fitzmaurice